

House Bill 1157 (AS PASSED HOUSE AND SENATE)

By: Representative Sims of the 169th

A BILL TO BE ENTITLED

AN ACT

To amend an Act to provide a new charter for the City of Broxton, Georgia, in the County of Coffee, approved April 6, 1981 (Ga. L. 1981, p. 3597), as amended, particularly by an Act approved April 6, 1992 (Ga. L. 1992, p. 5320), an ordinance filed February 16, 2004 (Ga. L. 2004, p. 4777), an Act approved May 16, 2007 (Ga. L. 2007, p. 3549), and an Act approved May 6, 2009 (Ga. L. 2009, p. 3780), so as to provide qualifications for the city attorney and municipal court judge; to provide for the compensation of the municipal court judge; to provide for limitations on holding other offices and positions by members of the governing authority; to provide for qualifications for the city manager; to provide for certain requirements for certain disbursements under certain circumstances; to provide the timely deposit of funds received as fines, forfeitures, and fees; to provide for the manner of payment of such fines, forfeitures, and fees; to provide for penalties for not timely making such deposits; to provide for certain audits; to provide for penalties for failure to timely perform audits; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act to provide a new charter for the City of Broxton, Georgia, in the County of Coffee, approved April 6, 1981 (Ga. L. 1981, p. 3597), as amended, particularly by an Act approved April 6, 1992 (Ga. L. 1992, p. 5320), an ordinance filed February 16, 2004 (Ga. L. 2004, p. 4777), an Act approved May 16, 2007 (Ga. L. 2007, p. 3549), and an Act approved May 6, 2009 (Ga. L. 2009, p. 3780), is amended by revising subsection (a) of Section 2.10 as follows:

"(a) The Mayor and Council shall appoint a City Clerk and a City Treasurer who shall take such oath as required by the Mayor and Council. The City Clerk and City Treasurer may be the same person. Three (3) affirmative votes of the Mayor and Council shall be required for the appointment of the City Clerk and City Treasurer. The City Clerk and the City Treasurer shall serve at the pleasure of the Mayor and Council and may be removed at any

time by a vote of three (3) members of the Mayor and Council adopting a resolution to that effect. Upon removal, the City Clerk and/or City Treasurer shall be paid forthwith any accrued salary to the date of removal, plus two weeks additional salary. The City Clerk and City Treasurer shall not be related to any member of the Mayor and Council by blood or marriage within the sixth degree as computed according to the civil law."

SECTION 2.

Said Act is further amended by revising Section 2.11 as follows:

"Section 2.11. City Attorney; Municipal Court Judge; Appointment, Compensation, Qualifications, Duties. (a) At its first regular meeting in January of each year, the Mayor and Council, by majority vote, shall appoint a City Attorney and a Municipal Court Judge who shall take such oath as required by the Mayor and Council. The City Attorney and Municipal Court Judge shall serve until the first meeting in January of the following year, and until their successors shall have been appointed and qualified, unless removed by a majority vote of the Mayor and Council prior thereto. The City Attorney and the Municipal Court Judge shall not be the Mayor or a member of the Council nor any employee of the city.

(b) The City Attorney and the Municipal Court Judge shall receive such compensation as the Mayor and Council shall decide. The compensation of the Municipal Court Judge shall be established on a year-to-year basis.

(c)(1) The City Attorney shall be an attorney at law who has been licensed to engage in the practice of law in Georgia for a minimum of two years at the time of appointment.

(2) The Municipal Court Judge shall be an attorney at law who has been licensed to engage in the practice of law in Georgia for a minimum of two years at the time of appointment.

(3) No person may simultaneously hold the offices of City Attorney and Municipal Court Judge.

(4) The Municipal Court Judge shall comply with all of the ordinances of the city and applicable laws of the State of Georgia to remain qualified to serve as municipal court judge. The Municipal Court Judge shall serve as the judicial officer of the municipal court of the city.

(d) The City Attorney shall be the legal advisor to the City and shall perform such duties as required by law and by the Mayor and Council."

SECTION 3.

Said Act is further amended by revising subsection (a) of Section 2.12 as follows:

61 "(a) Except where authorized by law, neither the Mayor nor any Council member shall
62 hold any other elective or compensated appointive office in the City of Broxton during the
63 term for which he or she was elected or within one year after the expiration of the term for
64 which he or she was elected. The Mayor and Mayor Pro Tempore shall not hold a
65 compensated office or position with any other city or county or city or county agency
66 during their terms of office."

67 SECTION 4.

68 Said Act is further amended by revising Section 4.11 as follows:

69 "**Section 4.11. City Manager; Appointment, Qualifications, Term, Compensation.** The
70 Mayor and Council shall appoint a City Manager, if they desire but an appointment is not
71 mandatory, who shall be the administrative head of the City government, and shall be
72 responsible for the administration of all departments. Three (3) affirmative votes of the
73 Mayor and Council shall be required for the appointment of the City Manager. The City
74 Manager shall be appointed with regard to merit only and must be a resident of the City
75 when appointed. The City Manager shall not related shall not be related to any member
76 of the Mayor and Council by blood or marriage within the sixth degree as computed
77 according to the civil law. The City Manager shall hold office during the pleasure of the
78 Mayor and Council, and shall receive such compensation as the Mayor and Council shall
79 determine. The City Manager may reside outside the City while in office only with the
80 approval of the Mayor and Council. In the event the Mayor and Council exercise their
81 option not to appoint a City Manager, the Mayor shall be the administrative head of the
82 City government, and fulfill the responsibilities as hereinafter enumerated without
83 receiving any additional compensation, other than his or her salary as the Mayor. If the
84 Mayor and Council choose not to appoint a City Manager, all disbursements in excess of
85 \$500.00 shall be co-signed by the Mayor and Mayor Pro Tempore."

86 SECTION 5.

87 Said Act is further amended by adding a new subsection to Section 5.2 to read as follows:

88 "(i) All fines, forfeitures, and fees shall be deposited in the appropriate accounts of the city
89 within five business days following the receipt of such fines, forfeitures, and fees. These
90 fines, forfeitures, and fees shall be subject to yearly audits of the city. Payment methods
91 shall be cash, cashier's check, or money orders only. No personal checks shall be accepted
92 for court fines, forfeitures, or fees. Failure to deposit the fines, forfeitures, and fees within
93 five business days shall constitute a misdemeanor and malfeasance in office."

94 **SECTION 6.**

95 Said Act is further amended by revising Section 6.21 by adding a new subsection to read as
96 follows:

97 "(d) Failure to perform the audits required by this section within the specified time frames
98 shall be deemed malfeasance in office and subject the Mayor and Council to civil fines not
99 to exceed \$500.00 each and removal from office."

100 **SECTION 7.**

101 All laws and parts of laws in conflict with this Act are repealed.